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FEB 07 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 03 2012	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHT: 37-717, 37-717A,
	)	and 37-717B

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-717 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of water right 37-717.

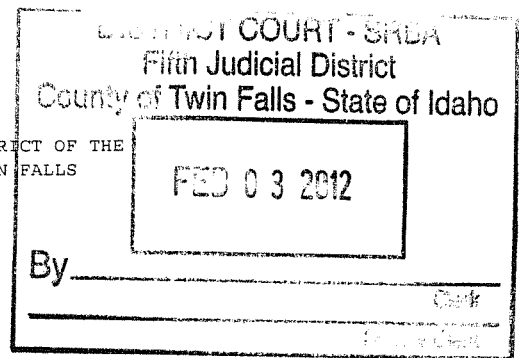
Objections were filed to 37-717 by Indian Creek Ranch Owners Association, Inc. and the City of Hailey. An *Amended Director's Report* was filed on January 12, 2012 which resulted in splitting the former parent right 37-717 into assigned split right numbers 37-717A and 37-717B. An *Objection* was filed to 37-717, 37-717A, and 37-717B by Dana and Victor Hofstetter on January 23, 2012. The *Objections* were resolved on February 1, 2012 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-717 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-717A and 37-717B be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: February 3, 2012.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00717A

NAME AND ADDRESS: CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333

SOURCE: INDIAN CREEK SPRING TRIBUTARY: INDIAN CREEK

QUANTITY: 1.72 CFS

Right Nos. 37-296A, 37-717A, 37-717B, 37-1216 and 37-7854 are
limited to a total combined diversion rate of 3.38 cfs.

PRIORITY DATE: 08/01/1907

Pursuant to a call in times of scarcity, this right is senior to
Water Right Nos. 37-296B and 37-296C.

POINT OF DIVERSION: T03N R18E S23 SENW Within Blaine County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	11-01 TO 04-14	1.72 CFS

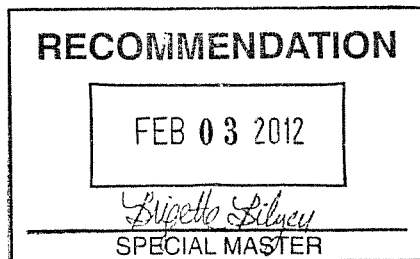
PLACE OF USE:
Place of use is within the service area of the City of Hailey
municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is a portion of former right No. 37-717.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 03 2012

By _____ Clerk
 _____ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
 Case No. 39576) I.R.C.P. 54(b) FOR
 _____)
 Water Right 37-00717B

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DEPARTMENT OF
 WATER RESOURCES

NAME AND ADDRESS: CITY OF HAILEY
 115 S MAIN ST #H
 HAILEY, ID 83333

SOURCE: INDIAN CREEK SPRING TRIBUTARY: INDIAN CREEK

QUANTITY: 0.76 CFS

Right Nos. 37-296A, 37-717A, 37-717B, 37-1216 and 37-7854 are
 limited to a total combined diversion rate of 3.38 cfs.

PRIORITY DATE: 08/01/1907

Pursuant to a call in times of scarcity, this right is junior to
 Water Right No. 37-19470.

POINT OF DIVERSION: T03N R18E S23 SENW Within Blaine County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.76 CFS

PLACE OF USE:
 Place of use is within the service area of the City of Hailey
 municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is a portion of former right No. 37-717.
 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
 NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
 DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
 ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
 with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
 final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
 judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

FEB 03 2012

Eric J. Wildman
SPECIAL MASTER

Eric J. Wildman
 Presiding Judge of the
 Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 03 2012	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 37-00717
37-00717A 37-00717B

On February 03, 2012, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED February 03, 2012.


JANET CONNELL
Deputy Clerk

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County of Twin Falls - State of Idaho	
FEB 03 2012	
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-00717
37-00717A 37-00717B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 03, 2012, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DANA L & VICTOR HOFSTETTER
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

CITY OF HAILEY
Represented by:
MICHAEL C CREAMER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

PAGE 1
02/03/12

INDIAN CREEK RANCH OWNERS

Represented by:

RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101


JANET CONNELL
Deputy Clerk